

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 6, 2003 at
3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Ken (Kim) Hansen (D)
Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandembosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed. Due to
technical difficulty, the tapes did not record;
they are blank.

Committee Business Summary:

Hearing & Date Posted: HB 187, HB 411, HB 101, HB 137,
3/3/2003

Executive Action: HB 101, HB 137, HB 187, HB 411

HEARING ON HB 187

Sponsor: REP. STEVE GALLUS, HD 35, Butte

Opening Statement by Sponsor:

REP. GALLUS explained that HB 187 is to clarify the laws pertaining to fisheries. It is a simple bill and would add the yellow perch and crappie to the definition of game fish.

Proponents' Testimony:

Larry Peterman, Chief of Operations, Montana Fish, Wildlife & Parks (FWP), read his written testimony, further explaining HB 187 and their strong support.

EXHIBIT(fis47a01)

Mike Barrett expressed his testimony.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MAHLUM asked if there is a limit on yellow perch and crappie fish. Larry Peterman said that FWP will set the limits.

SEN. BARKUS had a question regarding Page 5, Line 8, if the language should be "or" or "and." Larry Peterman said it should read "held in hand or proximity of control."

Closing by Sponsor:

REP. GALLUS closed on HB 187 and read a letter from Allen Schallenberger.

EXHIBIT(fis47a02)

HEARING ON HB 411**Sponsor:** REP. STEVE GALLUS, HD 35, Butte**Opening Statement by Sponsor:**

REP. GALLUS stated that this bill allows the transfer of river use bought by or transferred to owners. He stated that an amendment was put on in the House that does not confer the property rights, only the river use. He stated that this is a consensus bill and is supported by Skyline Sport and Big Hole River Outfitters.

Proponents' Testimony:

Jean Johnson, Montana Outfitters and Guides Association, stated their support, and told of the strong support for this bill in the House. She explained that the bill was amended to take care of the opponents' concerns. The amendment would allow the public to draw a permit through the outfitter, and therefore strongly supports small businesses. She urged the Committee's approval.

David Decker, Outfitter, explained that he worked with the old rules for two seasons. He said that if he were to pass away, his wife would have one year to dispense with the business. He said it is an allocation procedure without transferability, and is a burden on the industry. This bill would treat outfitters like game farms. He stated that there is a need for outfitters to invest in Montana's future; he strongly supports this bill.

Robin Cunningham, Fishing Outfitters Association of Montana (FOAM), read his testimony in support of HB 411.

EXHIBIT (fis47a03)

Fred Madsen, Outfitter, explained that outfitters and guides do good things for Montana; a resource is being limited that FWP does not own.

SEN. BILL TASH, SD 17, said that the Big Hole Water Shed has started a collaborative effort. He added that there is a substantial investment in clientele in this business; it is reasonable to transfer business to a subsequent owner.

Opponents' Testimony:

Robert Throssell, Montana Wildlife Federation, informed the Committee of the need for a second amendment on HB 411 to

prioritize the use to public resources; fish are a public resource.

Bill Orsello, Board, Helena Hunters and Anglers, stated that transferability is vital. This bill limits the number of outfitters and the number of days. His concern is where this will lead.

Informational Testimony:

Larry Peterman, Chief of Field Operations, Montana FWP, read his written informational testimony.

EXHIBIT(fis47a04)

Questions from Committee Members and Responses:

SEN. SCHMIDT referred to Lines 30-31 of the amendment, and that all of Section B was taken out. She asked why they wanted to amend it back in. **Bill Orsello** explained that anglers don't want to draw for access to streams. There are no guarantees to outfitters and not the public.

SEN. BARKUS asked how use-permits are transferred currently. **Larry Peterman** responded that the Forest Service transfers the permits to outfitters' businesses with proof of qualification. **Rayleen Gaul, Forest Service**, added that a permit is not a piece of property. When a transfer takes place, the new owner applies for a permit after he is licensed by the Montana Board of Outfitters.

SEN. BARKUS inquired as to the process of use-permits on Smith River. **Craig Madsen** replied that permits can be acquired or transferred to the governing agency.

SEN. MAHLUM asked if **Larry Peterman** has a problem with the bill as currently amended. He responded that he does not, because they are working with the Advisory Committee.

SEN. SCHMIDT inquired why all rivers aren't the same. **Larry Peterman** explained that the management of Smith River is specific to that river. The management plan for the Beaverhead and Big Hole rivers was vetoed.

SEN. BALES had a question regarding day-use permits. **Jean Johnson** replied that the Board of Outfitters tracks and transfers the day-use of all outfitters.

SEN. SPRAGUE questioned if an outfitter considers "fish days" as part of their assets. **David Decker** responded.

SEN. BARKUS asked if the outfitters are concerned about the many kinds of transfers. **Jean Johnson** answered that they have no problem with FWP managing Smith River.

Closing by Sponsor:

REP. GALLUS closed on HB 411.

HEARING ON HB 101

Sponsor: **REP. LARRY JENT, HD 29, Bozeman**

Opening Statement by Sponsor:

REP. JENT said that this bill further clarifies licensing laws. This bill does five things: 1) allows for the convenience of obtaining a license on the phone and internet; 2) provides for greater security through the creating of a data base; 3) allows for licensing regulations to be printed at home; 4) states that FWP will mail their license; 5) makes possession of another person's license a crime.

Proponents' Testimony:

Jeff Hagener, Director, Montana FWP, read his written testimony in support of the bill.

EXHIBIT(fis47a05)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. JENT closed on HB 101, stating that this bill brings Montana into the 21st Century, and urging the Committee's support.

HEARING ON HB 137

Sponsor: REP. MICHAEL LANGE, HD 19, Billings

Opening Statement by Sponsor:

REP. LANGE explained that HB 137 "repeals the termination date for the requirement that at least 50% of fishing license funds be allocated for fishing access sites." He read the Montana Code Annotated 2001 (Exhibit 6) to show how this bill will alter the code monies allocated in the code.

EXHIBIT(fis47a06)

Proponents' Testimony:

Jeff Hagener, Director, Montana FWP, read his testimony in support of HB 137.

EXHIBIT(fis47a07)

Robin Cunningham, Fishing Outfitters' Association of Montana (FOAM), stated their support for this bill.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. LANGE closed on HB 137, stating that there is no opposition because this bill is good for everybody.

EXECUTIVE ACTION ON HB 137

Motion/Vote: SEN. MCGEE moved that HB 137 BE CONCURRED IN. Motion carried unanimously by voice vote. SENS. HANSEN and TROPILA voted by proxy.

SEN. BALES will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 101

Motion/Vote: SEN. SCHMIDT moved that HB 101 BE CONCURRED IN. Motion carried unanimously by voice vote. SENS. HANSEN and TROPILA voted by proxy.

SEN. McGEE will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 187

Motion: SEN. BARKUS moved that HB 187 BE CONCURRED IN.

Discussion:

SEN. McGEE wondered why the two new fish (yellow perch and crappie) are being considered as game fish. Larry Peterman explained that they are a popular fish for sportsmen and FWP needs to be able to regulate them.

Vote: Motion carried unanimously by voice vote. SENS. HANSEN and TROPILA voted by proxy.

SEN. SHEA will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 411

Motion: SEN. TASH moved that HB 411 BE CONCURRED IN.

Discussion:

SEN. TASH explained that this issue started in 1990. With the amendments added in the House, it is a broader bill now.

SEN. MAHLUM commented that he would like the FWP to monitor how many outfitters go down the Big Hole River; there are so many.

SEN. SCHMIDT stated that she is bothered by the amendment.

SEN. BARKUS agreed that FWP needs to get control of the outfitters.

SEN. SCHMIDT said she does not understand why there should be different rules for different rivers. Jeff Hagener responded

that is the intent for the Council; they are working on the process of river usage.

SEN. SPRAGUE asked if it was going to be a "one-size-fits-all" rule. **Jeff Hagener** said it would not, but they could set up universal guidelines and parameters.

SEN. BARKUS had a question regarding the Board of Outfitters. **Dan Dalling** said that they are on the River Advisory Council.

SEN. McGEE stated that he likes to go fishing, but there are more and more outfitters. He said that he is a private citizen, and doesn't have a spokesman for him. He wondered what FWP's perspective is on that issue. **Jeff Hagener** said that they are trying to consider the quiet Montana fishermen and have them on the Advisory Council for their input.

SEN. McGEE said that fishermen are losing the rivers to natural resource management with or without the outfitters. He would like it weighted for citizens' interests.

SEN. SPRAGUE added that 9.5 million tourists come to Montana each year, compared to the only one million residents. **Jeff Hagener** explained that ethics cannot be regulated.

Vote: Motion carried 9-1 with **SEN. McGEE** voting no by voice vote. **SENS. HANSEN** and **TROPILA** voted by proxy.

SEN. TASH will carry the bill on the Senate floor.

CHAIRMAN SPRAGUE closed the hearing and adjourned the meeting.

ADJOURNMENT

Adjournment: 4:55 P.M.

SEN. MIKE SPRAGUE, Chairman

REBECCA SATTLER, Transcriptionist

MS/RS

EXHIBIT (fis47aad)